

DANIEL H. WIGGIN.

MARCH 7, 1910.—Ordered to be printed.

Mr. WARREN, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany H. R. 16824.]

The Committee on Military Affairs, which has considered the bill (H. R. 16824) for the relief of Daniel H. Wiggin, hereby reports the same to the Senate favorably, and recommends that it be passed without amendment.

It is shown by the records in the office of the Auditor of the Treasury for the War Department that payment was made to this soldier to include August 1, 1865, the date to which the company in which he served was paid on muster out, and it is upon this fact that your committee bases its recommendation of the proposed legislation to give the soldier a pensionable status.

The official report of the War Department upon this case is as follows:

CASE OF DANIEL H. WIGGIN, LATE OF COMPANY B, THIRD REGIMENT NEW HAMPSHIRE VOLUNTEER INFANTRY.

It is shown by the records that Daniel H. Wiggin was enrolled August 8, 1861, at Concord, N. H., and was mustered into service August 22, 1861, as a private in Company B, Third New Hampshire Infantry Volunteers, to serve three years. He reenlisted as a veteran volunteer in the same organization February 24, 1864, to serve an additional term of three years, and it appears that he was thereafter present with the company until September 18, 1864, when he was sent to hospital. He was under treatment in hospital until October 10, 1864, when he was pronounced fit for duty (indicating a cure), and was ordered returned to his command. The company was mustered out of service July 20, 1865, in the field at Goldsboro, N. C., but Wiggin was not present with it, and nothing whatever has been found of record to show that he was under military control at any time between October 10, 1864, and July 20, 1865.

Applying to this department for removal of the constructive charge of desertion of October 10, 1864, and for an honorable discharge as a member of the organization mentioned, Daniel H. Wiggin, a resident of Epping, N. H., testified April 27, 1883, as follows:

"That he is the identical Daniel H. Wiggin who was a private in Company B, in the Third Regiment of New Hampshire Volunteers; that he was enlisted in said com-

pany and regiment on or about the 26th day of July, 1861, at Concord, in the county of Merrimac and State of New Hampshire, by —; mustered into service on or about the — day of —, 186—, at —, in the county of — and State of —, by —; that some of the officers and soldiers of his company were as follows, viz: Capt. Henry Dow, Lieut. John R. James, sergeants, one Libbey; that he was honorably discharged on or about the 23d day of February, 1864, at Morris Island, in the State of South Carolina. That he reenlisted in said regiment and company, viz, Company B, Third New Hampshire Volunteers, some time in March, 1864, and left the hospital at Bermuda Hundred on a furlough, and he never returned to the regiment, in consequence of sickness, but reported at Concord, N. H., when the regiment was mustered out in August, 1865, and no discharge was ever given him."

In a joint affidavit executed July 3, 1886, Joshua Fieldsend, aged 46 years, and Sylvester Evans, aged 41 years, both residents of Epping, testified as follows:

"That we have been well acquainted with said applicant for the past thirty years. Since October, 1864, we have resided in the same town and in the same neighborhood with said claimant. We remember when he came home from the army, about the latter part of October, 1864. He was at that time apparently suffering from some disease. He looked pale and emaciated and told us that he had been sick in a hospital in the army. He was staying around his home and unable to do any work for nearly a year. He began to get better some time during the next summer. We have frequently seen Dr. Nathaniel Batchelder call and visit the claimant during the winter of 1864 and 1865, and it was well known in the neighborhood that the said soldier was under the care and treatment of said Doctor Batchelder. It was upward of a year before the soldier recovered sufficiently to do any manual labor."

On September 19, 1903, Wiggin again testified as follows:

"That he is the identical Daniel H. Wiggin who was a private in Company B, in the Third Regiment of New Hampshire; that he was enlisted in said company and regiment on or about the 26th day of July, 1861, at Exeter, N. H., in the county of Rockingham and State of New Hampshire, by Captain Wilbur, and mustered into the service on or about the 22d day of August, 1861, at Concord, N. H., in the county of — and State of New Hampshire; that he served faithfully until on or about the 10th day of October, 1864, when he left the regiment under the following circumstances: That he enlisted July 26, 1861, and was mustered into service August 22, 1861; that he reenlisted and was mustered February 24, 1864, and that he was wounded at battle of Drury's Bluff, Va., in 1864; was sent to Point of Rocks, Va., September 20, 1864, and was on October 1, 1864, sent to Base Hospital, Jones Landing, Va.; on October 10, 1864, was sent to regiment; was granted a furlough and never returned; could not on account of sickness. When regiment returned to Concord, N. H., for discharge, I reported to Lieutenant Brown at Concord and was discharged with regiment and was paid by Second Auditor of United States Treasury up to August 1, 1865, but failed to get my discharge."

Nothing whatever has been found of record in the War Department to show that this soldier received a furlough after treatment in hospital, as alleged by him, the official records showing, on the contrary, as already stated, that on October 10, 1864, he was pronounced fit for duty, after treatment in hospital, and ordered returned to his command, nor has anything been found of record to show that he was mustered out with the company, as alleged.

The records of this office show, as heretofore stated, that the company was mustered out of service in the field at Goldsboro, N. C., July 20, 1865; but it appears that the members thereof were not finally paid and disbanded until on or about August 2, 1865, after they reached Concord, N. H.

With a view to verifying the statement of the applicant that he was paid by the Treasury Department up to August 1, 1865, inquiry was made by this office of the Second Auditor of the Treasury (now the Auditor for the War Department), who reported, on February 10, 1872, that pay had been allowed in the case of this soldier to include August 1, 1865, the date to which the company was paid on muster out, and that such payment was made on a statement of the commanding officer that Wiggin was present, but not mustered out. The auditor furnished this office, on September 25, 1883, with a copy of the statement of the former commanding officer referred to, which is as follows:

"CONCORD, N. H., August 2, 1865.

"I, Edwin Bowen, hereby certify on honor that I am first lieutenant of Company K, Third New Hampshire Volunteers, late commander of Company B of said regiment, and that at time of muster out of said regiment at Goldsboro, N. C., July 20, 1865, private Daniel Wiggin, of Company B, was absent from the regiment, reported absent sick in hospital, having been absent since November, 1864. The records of

Company B show that he was last paid on the 31st of August, 1864. At the final muster out and payment of the regiment at Concord, N. H., August 2, 1865, the said Daniel Wiggin reported to me at Concord, stating that he had been furloughed from hospital to rejoin his regiment when fit for duty, and that he had remained to join the regiment in New Hampshire, having learned that the command was ordered to this place.

"As his descriptive list has been sent to hospital, it is impossible for me to make out his final statements, not knowing what he may have drawn in hospital, nor officially when last paid.

"EDWIN N. BOWEN,
"First Lieutenant, Company K, Third New Hampshire Volunteers,
"Commanding Company B."

From the facts set forth above it will be seen that this soldier was not mustered out of service with the company, and that he was not under military control at any time between October 10, 1864, and July 20, 1865. It is held by the War Department that the fact that he reported to his former commanding officer after the company was mustered out, was not a return to military control and did not affect in any way the constructive charge of desertion in his case.

The testimony submitted to this department in support of the application for removal of the constructive charge of desertion and for an honorable discharge in the case of this soldier does not establish that he absented himself from military control while suffering from wounds, injuries, or disease contracted in the line of duty or that he was prevented from returning to his company by reason of any such wounds, injuries, or disease. The department has, therefore, been constrained to deny the application for removal of the charge of desertion and for an honorable discharge on the ground that he did not serve until May 1, 1865, and that it has not been established that he was prevented by physical disability incurred in the line of duty from returning to his command prior to the date on which it was mustered out of service, and because the case does not come within any of the other provisions of the act of Congress approved March 2, 1889, which is the only law in force governing the subject of removal of charges of desertion and the issuance of discharge certificates to soldiers charged with desertion.

Respectfully submitted.

F. C. AINSWORTH,
The Adjutant-General.

WAR DEPARTMENT, THE ADJUTANT-GENERAL'S OFFICE,
January 7, 1910.

THE SECRETARY OF WAR.

